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## Faculty Senate Agenda, March 5, 2012

Utah State University

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FACULTY SENATE MEETING  
March 5, 2012  
Merrill-Cazier Library, Room 154

### Agenda

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- 3:00 Call to Order**.....Glenn McEvoy  
Approval of Minutes February 6, 2012
- 3:05 Announcements**.....Glenn McEvoy  
Please sign the roll  
Faculty Shared University Governance Award
- 3:10 University Business**.....Stan Albrecht, President  
Raymond Coward, Provost
- 3:30 Consent Agenda**.....Glenn McEvoy  
1. Research Council Report - Mark McLellan  
2. Budget and Faculty Welfare Committee Annual Report- Rhonda Miller  
3. Academic Freedom and Tenure Committee Annual Report - Richard Jenson  
4. EPC Items - Larry Smith
- 3:40 Information Items**  
1. Open Access Policy proposal.....Flora Shrode  
2. Parking Report on Upcoming Changes.....Ralph Whitesides
- 4:30 Adjournment**



**USU FACULTY SENATE  
MINUTES  
FEBRUARY 6, 2012  
Merrill-Cazier Library, Room 154**

Glenn McEvoy called the meeting to order at 3:01 pm.

**Approval of Minutes**

A motion to approve the minutes of January 9, 2012 was made by Robert Schmidt and seconded by Jeff Smitten. The motion passed unanimously.

**Announcements – Glenn McEvoy**

**Roll Call.** Members are reminded to sign the roll sheet at each meeting.

**Faculty Forum Issues Update.** Glenn updated the senate on the progress made on the five key issues raised during the November Faculty Forum.

- **Extra-service Compensation.** Provost Coward made an in-depth presentation at the last Faculty Senate meeting explaining there has been no change in policy, only more careful implementation.
- **Post-tenure Review Process.** A post-tenure review task force is up and running. They will be conducting three town-hall type meetings next week where faculty members will be invited to share their perspectives on the post-tenure review process and suggestions for improvement.
- **USU-Eastern Integration.** Vince Wickwar, Renee Galliher, and Glenn McEvoy will be traveling to Price on February 24 to meet with faculty at that campus.
- **External Review Letters.** This policy is being discussed by the Deans Council and the PRPC committee. A revision of policy will be presented to faculty in the near future.
- **Faculty Involvement in Campus Planning.** Vice President Dave Cowley is in the process of putting a mechanism in place to provide broader involvement in campus planning by the end of the academic year.

**University Business – President Stan Albrecht, Raymond Coward**

President Albrecht is in Salt Lake for the third week of the legislative session. Provost Coward extended an invitation to all faculty to attend the March 2<sup>nd</sup> Founders Day Dinner. The keynote speaker is Kentucky State University President Mary Evans Sias, Ph.D. Tickets are \$35 and available through the Advancement Office. He also informed the senators that the bill to eliminate tenure currently being discussed in this legislative session exempts Utah State University as well as the University of Utah.

The Provost also discussed the new IDEA Faculty Evaluation results and some of the national comparisons. 69% of USU courses fall above the IDEA data base mean for excellent teacher evaluations, 74% on excellent course evaluation and 74% of the weighted summary. After adjustment for students' self-reported motivation, self-reported work habits, and class size, these percentages drop somewhat, but results are still very positive in a comparative sense. A list of institutions included in the database is available on the IDEA website.

### **Consent Agenda Items –Glenn McEvoy**

**Bookstore Report** – Alan Blackstock, David Parkinson

**EPC Items** – Larry Smith

A motion to approve the consent agenda was made by Mike Parent and seconded by Shannon Peterson. The motion passed unanimously.

### **Information Items**

**Graduate Program Review – Janis Boettinger.** Information on the Graduate Program Review was sent to Department Heads on December 15. In January all faculty received an email from Mark McClellan explaining the review process. Every graduate degree program should now be in the process of conducting a self study as well as a department overview. This review is intended to be a faculty driven process. Each program should submit a self study form; the length should be a minimum of 5 pages or a maximum of 14 pages. If you have questions on filling out the form, contact Janis. There will also be a streamlined R-401 process to add, delete or rename degree programs that come out of this process. All information is due to Mark McClellan on March 1, 2012. A Best Practices Open House will be held in April. Each department's five-year plan for self improvement is due May 31.

**Implementation of Common Hour – John Mortensen.** The Common Hour will begin in Fall Semester on Wednesdays, 11:30 – 12:45. Typically the schedule is rolled over from the year before. This year, any classes MWF that began at 12:30 or later were moved back one-half hour. MWF 11:30 classes were changed to MF 11:30-12:45. These changes were sent to departments on January 19th and first draft revisions are due to the Registrar's office today (Feb. 6). The expectation is that, with few exceptions, no classes will be taught during that Wednesday Common Hour period so that both students and faculty will be available to participate in campus-wide events. Craig Petersen asked if there had been any criteria established to determine if the Common Hour is successful. John said that was beyond the scope of the Registrar's office, but there will likely be a review committee of some sort formed to evaluate the new program and schedule.

**Robbins Award for Faculty Contribution to Shared University Governance – Glenn McEvoy.** There are many awards campus wide to recognize excellence in several areas; however there is no recognition to those who devote significant amounts of time to university service and contributions to shared governance. The Faculty Senate leadership has been working on establishing a Robbins Award for Faculty Contribution to Shared University Governance. Some FSEC members are working on the criteria for the award. The award may or may not be presented this year, but will certainly be in place for next year. Please contact Glenn McEvoy, Mike Parent, Robert Schmidt or another member of FSEC with any comments or input.

### **Adjournment**

Motion to adjourn was made at 3:38 p.m. by Mike Parent and seconded by a slew of senators.

## Research Council Report to the Faculty Senate

### Executive Summary

Prepared by Mark R. McLellan, Vice President for Research and Dean

Office of Research and Graduate Studies

January 30, 2012

### **Executive Summary**

The annual report to the Faculty Senate covers the major activities of the Office of Research and Graduate Studies and Research Council from July 1, 2010 through June 30, 2011. It is a summary of all service units for which the Vice President and Dean has responsibility and includes Sponsored Programs Office, Proposal Development Office, Environmental Health and Safety Office, Institutional Review Board, Laboratory Animal Research Center, Center for High Performance Computing, Research Integrity and Compliance, and the Office of Global Engagement (OGE) - International Research.

### **Mission of the Office of the Vice President for Research**

The mission of the Office of the Vice President for Research is to provide an environment that facilitates and stimulates research, scholarship, and creative activities by:

- Providing resources to recruit, retain, and recognize outstanding faculty and student researchers.
- Providing research support services that are highly responsive and efficient.
- Providing leadership to identify and pursue promising research opportunities and to grow external research funding.
- Fostering a culture of academic research integrity and promoting the responsible conduct of research.
- Fostering the creation of intellectual property and supporting appropriate technology commercialization.
- Fostering the expansion of international research projects and programs.
- Communicating the value of USU research throughout the state, nation, and the world.

The mission of the Office of Research and Graduate studies is currently under review with the Research Council and will be updated in the current fiscal year.

### **Research Council**

The Research Council provides advice and recommendations to the Vice President for Research and Dean of the School of Graduate Studies. Additionally, members of the Council provide direct and important channels of communication between researchers and those who make decisions affecting research at USU. The following are selected major issues addressed by USU's Research Council in FY2011:

- **NSF Regional Grants Conference** - USU and the University of Utah co-hosted a National Science Foundation (NSF) Regional Grants Conference in October, 2010. More than 100 faculty researchers and USU administrators received an update of proposal and reporting requirements. Two new NSF requirements that were introduced included: 1) Data Management Plan for all NSF proposals, and 2) Outcomes Report; to address what NSF science expenditures do for the general public. The Outcomes Report will be vetted internally for content to assure that reports are relayed in layman's terms. Subsequent to the meeting, the Research Office distributed a summary of the changes in protocol to the college Deans for distribution to faculty.
- **Seed Funding Awards** - Since the program's inception in Spring 2008, the proposal review committee has noted that the quality of RC applications continues to improve and USU is seeing an increase in the success rate of this program. In the past year, 77% of the RC proposals submitted to the review committee were funded. Outcomes require that awardees develop and submit at least one proposal to an external funding agency within three months of project completion. At the end of the first cohort of awards, 16 external proposals totaling more than \$14.6 million were submitted. Six awards totaling \$9.3 million were received to date, resulting in a \$37:1 ratio for return on investment. The

second cohort of awardees (March 31, 2010), resulted in 19 proposals totaling \$8.8 million have been submitted to external agencies. Of those, 4 proposals had been awarded a total of \$2.3 million, resulting in a \$10:1 return. This second cohort also included two prestigious NSF Career Awards. The third cohort resulted in 11 proposals, totaling \$4,841,815.

- **Major Research Equipment** - Concerns were raised that numerous faculty do not have access to major research equipment, nor has information been compiled to identify what equipment is available across campus for all users. With input from several departments, a listing of major research equipment was compiled, including a brief description of the equipment, contact information, and who is the assigned steward. This list is available to help facilitate ways for departments and centers to enhance use of these resources. If the equipment resides in service centers, a fee would be required to access it. This list will be updated as new equipment is acquired on campus.
- **HPC Update** - In previous fiscal years, the number of HPC clients has ranged from 50-90 users each semester. In FY2011, new user requests increased that number from 78-85 each semester. Funded awards using HPC resources amounted to \$3,541,373.
- **New Faculty Startup Funding & Budget Form Revision** - The Research Office partners with colleges to provide startup funding for new faculty. Proposed changes were discussed regarding the funding form and modifications were approved to include dean and department head signatures, as well as a new column when more than one cost center is supporting the startup. Funding percentages were discussed for faculty whose research role statement is less than 50%. The Council approved that "up to half of the new faculty member's start-up costs will be considered for support by the Research Office for new faculty hires with a research assignment of .45% or greater. For faculty with less than .45%, the amount provided will be proportional to the role statement weighting for research, scholarship, or creative activity (e.g., 25% funding support can be provided from the Research Office for faculty with 25% role assignment for research)."
- **International Pay Challenges** - Faculty and departments expressed concerns about potential changes in pay for faculty with international assignments. Participation in foreign projects often requires personal sacrifice and exposure to unsanitary and even dangerous work environments. Because international engagement is a priority to USU, an ad-hoc committee was formed to review the concerns. Currently, USU allows faculty to receive a 10% recruitment incentive on foreign projects (Policy 379 – Section 3.7). The committee's findings were formalized in a white paper that was distributed electronically to Research Council. The U.S. Department of State allows up to a 15% incentive to recruit federal employees who participate in overseas assignments. The committee recommended that USU adopt the same incentive percentage for USU faculty. Research Council input included: 1) Policy language must be included in the budget justification to clarify why the incentive is proposed, 2) White paper should clarify that the 15% incentive will be calculated for actual time spent overseas, 3) Assure sensitivity to agency language. The committee's recommendations were presented to USU's Executive Committee on March 23, 2011. The Executive Committee approved the requested revision and USU procedures were implemented to address it in future proposals.
- **Leave & Related Benefits for non E&G Employees** - Discussions and concerns on how leave benefits are covered and managed for soft money employees were addressed. A task group was formed (Mac McKee, Marv Bennett and Bryce Fifield), and the group presented a summary memo detailing the challenges. Rick Allen attended Research Council and the group agreed that implementing a "leave pool" was the best recommendation. Brent Miller and Rick Allen met with USU's Vice President for Business and Finance, David Cowley, to present the information. After several months of review, Rick Allen reported to Research Council that implementation challenges surfaced due to operational issues, as well as additional resources would be needed to manage the increased workload. The goal was to have implementation by July 1, 2011; however, this date was not obtainable and the issues raised remain under exploration.

- **Undergraduate Research Advisory Board (URAB) Annual Report** - The URAB Board, established in the spring of 2007, consists of faculty representatives from each college, various units across campus, and USU Research Fellows. Goals achieved this past year included: 1) Support for UCUR application to CUR NSF-CCL1 program toward institutionalizing UR, 2) On-going efforts toward mapping curriculum aligned with UR, and 3) Foster efforts toward creation of an *Undergraduate Research Journal*
- **Office of Proposal Development (OPD)** - The 2011 Proposal Writing Institute took place in May. Faculty submit their application to their deans who then rank and nominate no more than three faculty from their college and submit the names to the Office of Proposal Development. Fourteen faculty were accommodated in the May 2011 session.
- **Experimental Program to Stimulate Competitive Research (EPSCoR)** - Progress continues with implementation of the NSF EPSCoR program in the State of Utah. A joint Utah-Wyoming Track II Cyber infrastructure proposal was funded by NSF, but Utah's Track I research infrastructure proposal, which involved Urban Transitions and Aridregion Hydro-sustainability [iUtah; where "i" represents interdisciplinary, investigate, inspire, or initiate] was denied in May. However, a revised version of the Track I proposal was completed and submitted in October, 2011.

## **Budget and Faculty Welfare Committee Report**

### **Charge:**

The duties of the Budget and Faculty Welfare (BFW) Committee are to (1) participate in the university budget preparation process, (2) periodically evaluate and report to the Senate on matters relating to faculty salaries, insurance programs, retirement benefits, sabbatical leaves, consulting policies, and other faculty benefits; (3) review the financial and budgetary implications of proposals for changes in academic degrees and programs, and report to the Senate prior to Senate action relating to such proposals; and (4) report to the Senate significant fiscal and budgetary trends which may affect the academic programs of the University.

### **Committee Members:**

Rhonda Miller, Chair, Agriculture  
Alan Stephens, Business  
Maureen Hearn, Arts  
Sarah Gordon, Humanities and Social Sciences  
Charles Salzberg, Education and Human Services  
Ed Reeve, Engineering  
Karin Kettering, Natural Resources  
Stephen Bialkowski, Science  
Carol Kochan, Libraries  
Joanne Rouché, Extension  
Dave Woolstnhulme, RCDE  
Curtis Icard, USU-CEU  
Ilka Nemere, Senate  
Doug Jackson-Smith, Senate  
Scott Bates, Senate

### **Meeting Dates:**

September 30, 2011  
October 31, 2011  
November 28, 2011  
January 19, 2012

### **Outline of Meeting Facts and Discussions:**

Last year BFW Committee efforts focused on increasing faculty and staff representation on our health care. As a result, the Benefits Advisory Committee (BAC) was established with two members from the BFW Committee representing faculty. There are also two professional and two classified staff representatives. In addition, a survey was developed to obtain faculty input on where potential increases, if any, should be allocated, with most faculty favoring an across the board increase.



BFW Committee discussions this year have examined faculty input, faculty forum attendance, short-term disability coverage, and extra-service compensation:

- Faculty input appears to be an issue at many levels. By code we are to have shared governance. Full-cycle shared governance would be more inclusive.
- Faculty Forum. Limited attendance. Shared governance and faculty overload compensation were items with the greatest discussion. Discussion on ways to increase attendance.
- Short-term disability. To meet budget cuts, it was proposed that the portion of the short-term disability premium that the faculty member pays could be increased. It was noted that short-term disability is often used by those on maternity leave. Also feedback indicated that many faculty would drop the short-term disability coverage if the cost increased. This would then, in turn, result in increased rates for those who keep short-term disability coverage. Short-term disability coverage will remain as is.

**Issues:**

Items that are on the agenda for further discussion are Extra Service Compensation, and Sanctions and Grievances (Faculty Code 407).

**Supporting Materials:**

The agenda and minutes from each meeting are attached.

## **Budget and Faculty Welfare Committee September Meeting**

*Location:* Champ Hall  
*Date:* September 30, 2011  
*Time:* 10:00 –11:30 a.m.

*Members Present:* Stephen Bialkowski, Sarah Gordon, Maureen Hearn, Curt Icard, Doug Jackson-Smith, Carol Kochan, Rhonda Miller, Ilka Nemere, Ed Reeve, Alan Stephens

*Guests Present:* Glen McEvoy

### **Agenda**

Introductions  
EPC items  
Benefit Update (Alan Stephens)  
Faculty Senate Update (Glen McEvoy)  
Items for BFW Consideration

### **Discussion Items**

- Some EPC agenda items may warrant BFW approval. Chair to determine if BFW should review.
- Benefit Advisory Committee update. Only two of the six classified, professional, and faculty reps were able to be present. Is this adequate representation? Scheduled, quarterly meetings may be helpful. Rhonda and Alan will follow-up. Tobacco cessation and Naturally Slim programs are being offered. University goal to have all covered under short-term disability; however, one proposal would transfer all of the cost to faculty and staff. Based on feedback provided, shifting all of the cost to faculty and staff would likely result in many dropping short-term disability coverage. Would negatively impact those on maternity leave. Consensus that it is counter-productive to shift the full short-term disability cost to faculty and staff for the limited amount saved.
- Faculty Senate Update. Quinquennial review. Faculty Code 407 – Sanctions and Grievances. Merit increases.
- Issues for potential BFW action. Wellness program at HUB, concealed weapons, role of BFW, salary compression, consultant fees spent, new IDEA form, and other items were discussed.

Meeting adjourned.

## **Budget and Faculty Welfare Committee October Meeting**

*Location:* Champ Hall  
*Date:* October 31, 2011  
*Time:* 10:00 –11:30 a.m.

*Members Present:* Scott Bates, Maureen Hearn, Karin Kettenring; Carol Kochan, Rhonda Miller, Ilka Nemere, Ed Reeve, Joanne Roueche, Alan Stephens

*Guests Present:* President Albrecht

### **Agenda**

Introductions  
Budget Update (President Albrecht)  
Benefits Advisory Committee Update  
Items for BFW Consideration

### **Action Items**

- Motion made by Carol and seconded by Ilka to approve the September minutes with the correction noted. Motion passed.

### **Discussion Items**

- President Albrecht provided an update on the budget cuts from the last legislative session. The majority of the cuts were made effective July 1, 2011. Some potential cuts, such as dissolving the College of Natural Resources and discontinuing the University Press, have not been enacted. Raises were given to 21.7% of the employees, with an average increase of 6.8%. These raises were for promotion and tenure, merit, and equity. Current budget numbers are not as good as predicted. Looks like it will be a tough budget session.
- Discussion on the results of the survey conducted by the BFW last year, and how pay increases were allocated.
- Benefits Advisory Committee - Alan and Rhonda will meet with Dave Cowley this afternoon.
- Discussion on issues for BFW.

Meeting adjourned.

## **Budget and Faculty Welfare Committee November Meeting**

*Location:* Champ Hall  
*Date:* November 28, 2011  
*Time:* 3:00 – 4:30 p.m.

*Members Present:* Scott Bates, Maureen Hearn, Curt Icard, Doug Jackson-Smith, Carol Kochan, Rhonda Miller, Ilka Nemere, Ed Reeve, Alan Stephens

*Guests Present:* Glen McEvoy

### **Agenda**

Minutes from last meeting  
Benefit Update (Alan Stephens)  
Faculty Forum Update (Glen McEvoy)  
Items for BFW Consideration  
Other

### **Action Items**

- Motion made by Carol and seconded by Doug to approve the October minutes. Motion passed.

### **Discussion Items**

- Benefit Advisory Committee Update. Not much has been happening. No changes will be made to the short-term disability. HR is pilot testing the Naturally Slim program that has had good success other places. HR splitting the cost with those testing the program.
- Faculty Forum Update. Rather disappointing attendance. Shared governance and Faculty overload compensation were items gathering the greatest discussion.
- Topics BFW should address:
  - Faculty overload - Will be discussed at the January Faculty Senate Meeting.
  - Tenure – Teaching portion does not go out for external review. Will this create problems for faculty at the other campuses? Many have role statements with 95% teaching and 5% service.
  - Five-year reviews. Not consistently being done by all colleges. Currently no incentive. Before the recession, was talk of a salary increase if one did well on the 5-yr. review.
  - Full-cycle shared governance. By code we should have shared governance. Concerns expressed that there are areas where this is not happening (e.g., teaching evaluations). Full-cycle shared governance requires feedback from both sides.

Meeting adjourned.

## **Budget and Faculty Welfare Committee November Meeting**

*Location:* Champ Hall  
*Date:* January 19, 2012  
*Time:* 9:00 – 11:00 a.m.

*Members Present:* Scott Bates, Stephen Bialkowski, Sarah Gordon, Maureen Hearn, Doug Jackson-Smith, Rhonda Miller, Ilka Nemere, Ed Reeve, Joanne Roueche, Alan Stephens

### **Agenda**

Minutes from Last Meeting  
Budget Strategies (President Albrecht)  
Faculty Compensation  
Other items for BFW Consideration  
Next Meeting  
Other

### **Action Items**

- Motion made by Ed and seconded by Maureen to approve the November minutes with correction noted. Motion passed.

### **Discussion Items**

- President Albrecht provided an update on the budget. No budget cuts are projected, but limited new money. No bonding will occur this year. USU will be providing training on caucus attendance.
- If the economy improves the greatest impact will likely be at the regional campuses.
- Discussion on overload pay. Overload work can not interfere with primary job. Provost's Office will require written documentation as to need if overload occurs on a recurring basis. If federal money is involved, federal regulations prohibit having more than a 100% role. If no federal money is involved then, limited by guidelines in Faculty Code.
- Promotion and Tenure. External letters required for research and extension activities. Teaching is kept in-house, yet external letters are required for promotion and tenure review. This may create problems for those with high teaching appointments such as those at Price. Working on changes to allow external letters for primary roles and possibly secondary roles as deemed appropriate.

Meeting adjourned.

# **ACADEMIC FREEDOM & TENURE COMMITTEE REPORT**

**2011-12**

**Prepared by Richard Jenson, Chair**

## **INTRODUCTION**

Under **USU Policy 402.12.3** the Academic Freedom and Tenure Committee is defined as “an administrative body, with jurisdiction in matters related to academic freedom, tenure, promotion, dismissals, and other sanctions; and actions alleged not to be in accordance with the adopted standards, policies, and procedures of the University. In relation to these matters, the committee may hear both complaints initiated by the University against a faculty member and grievance petitions brought by a faculty member.”

### **AFT Committee Members 2010-2011**

James Barnhill, Scott Budge, Maria Spicer-Escalante, Britt Fagerheim, Bryce Fifield, Sandi Gillam, Richard Jenson, Lynn Jemison Keisker, Anthony Lott, Craig Petersen, Peggy Petrzalka, Mark Riffe, Aaron Roggia, Helga Van Miegroet, Ralph Whitesides.

## **OUTLINE OF MEETING FACTS AND DISCUSSIONS**

### **Grievance Hearing, September 7, 2011**

This hearing was held in response to a grievance filed by an assistant professor against the faculty member’s dean, department head, and committee chair subsequent to a nonrenewal decision. A pre-hearing had been previously held on April 14<sup>th</sup>, 2011 with the intent to stipulate facts, obtain potential witness lists, and establish documentary evidence to be presented. The major outcome of the pre-hearing was a narrowing down of the original grievance to focus on issues that were deemed grievable. Due to the unavailability of key participants subsequent to the pre-hearing, the proceedings of this grievance were temporarily suspended during the summer by a majority vote of the hearing panel, as permitted by 407.6.1. After the hearing, the panel concluded that no clear violation of due process had occurred. However, the panel also concluded that more specificity and clarification may be needed in the Faculty Code with regard to the procedures that should be followed when due process violations are identified by the ombudsperson.

### **AFT Committee Meeting, October 13, 2011**

The AFT Committee reviewed the 2010-11 AFT report and discussed and approved several proposals for amendments to the faculty code that had been carried over from the previous academic year.

- It was moved that the AFT forward a recommendation to the Faculty Senate Executive Committee that 405.7.1(3) be amended to include language requiring the candidate to be

informed in writing whether, in the opinion of the department head or supervisor, the candidate's progress is satisfactory or whether and what improvements might be needed. This motion passed.

- It was moved that the AFT forward a recommendation to the Faculty Senate Executive Committee that 407.7.2 be amended to clarify the reasons for non-renewal and to require that the faculty member receive a written record of the reasons for non-renewal. This motion passed.
- It was moved that the AFT forward a recommendation to the Faculty Senate Executive Committee that 405.7.2(1) be amended to increase the initial solicitation of external reviewers to six letters, at least half from the candidate list (the required minimum number of returned letters in the binder remains at four). If fewer than four letters are returned, additional reviewers will be solicited, at least half coming from the from the candidate list. Also, wording was inserted stating that potential reviewers shall not be excluded from consideration solely because they have professional contact with the candidate. This motion passed.
- It was moved that the AFT forward a recommendation to the Faculty Senate Executive Committee that 405.7.2(2-4) be amended to clarify the responsibilities and timing for delivering copies of the respective evaluation letters to the candidate. This motion also included a proposed amendment to 405.7.2(5) to include a paragraph stating that the Provost shall notify the candidate of the convening of the central committee and that the Provost will accept a written statement of supplementary information the candidate might wish to have reviewed (2 pages maximum). This motion passed.

### **AFT Committee Meeting, November 10, 2011**

The AFT committee reviewed a memo from David Peak, a former member of the AFT committee, who recommended several amendments to sections 405 and 407.

- A proposal that section 405.12.2 [standard for quinquennial review] be amended to change the phrase “the **basic** standard for appraisal” to the “the **only** standard for appraisal.” Arguments for this proposed change raised concerns that the word “basic” could be interpreted as a minimum standard. There were a few members that felt that the word “basic” should just be dropped from the phrase, but most AFT members felt that the word “only” would make the wording stronger and a motion was passed to recommend this change.
- A proposal to amend 405.12.2 to insert the word “in-depth” so that it would read “This **in-depth** evaluation of tenured faculty ....David noted that this word had recently been removed from the code and expressed the opinion that faculty undergoing a fifth year review deserved an “in-depth” review. While the AFT committee agreed with this sentiment, it also felt that the existing code already provided adequate guidance about

what is to be included in the review. There was no motion to approve this recommendation and no further action was taken on this recommendation.

- A proposal to amend 407.6.5 to insert a statement that compliance with pre-hearing procedures is an obligation of employment. This statement would be parallel to a similar statement with respect to obligations of USU employees to comply with in the actual hearing. A motion to approve this proposal passed.
- A proposal to amend 407.6.6(8) because of an apparent conflict in the hearing panel's reporting requirements under the code. As David Peak notes, the first sentence in this paragraph states that the hearing panel will "determine **only** whether the grievance is valid or not valid." Yet, this paragraph later refers to a written report and **recommendation**. The AFT committee agreed that this amounted to a conflict. The committee felt that the hearing panel should retain the prerogative to provide recommendations to the president that would address important issues raised in the grievance process. A motion was made to remove the word "only" from the first sentence and to retain the word "recommendation." This motion passed.

Two additional issues were raised as discussion points during this meeting.

- Craig Petersen raised concern about a grievance process convened during 2010-11 in which the hearing panel issued a "default judgment" for the grievant before a hearing could be scheduled. Scott Budge, who had served on this panel, explained that most of the respondents had stopped cooperating with the panel, and that this prevented the panel from proceeding to the hearing stage. Craig was given the assignment to identify and propose methods and procedures for handling similar cases in the future.
- Helga Van Miegroet introduced a discussion point regarding the use of calendar days in computing the various deadlines governing the timing of grievance hearing events. She expressed concern about the impact of a faculty code amendment that changed the computing of days from a basis of working days to the current basis of calendar days. Although the original intent of this amendment was to expedite the grievance hearing process, Helga presented an example timeline showing that a grievance filed after a January 15<sup>th</sup> termination notice would still not reach the hearing stage until the Fall semester of the following year. She felt that the calendar year reckoning of days could lead to unrealistic expectation on the part of a grievant that a hearing could be concluded by the end of Spring semester. In addition, Helga raised concerns that panel chairs and others participating in the hearing process, who are not on summer contracts, would be negatively affected by the current calendaring basis. The preliminary response from the AFT committee was that a calendaring solution should be developed that makes the hearing process as expeditious as possible, minimizes the burden on hearing participants, and is realistic in its timeframe. This issue was tabled for the lack of time, but with the intention that discussion continue at the next meeting.



### **AFT Committee Meeting, December 1, 2011**

The AFT Committee continued its discussion of two issues raised during the November 10<sup>th</sup> meeting.

- Helga Van Miegroet had recommended that working days be used in place of calendar days in computing the various deadlines governing the timing of grievance hearing events (407.1.2). Two reasons given for her recommendation were that (1) grievants are given unrealistic expectations about the timeline of the grievance process; and (2) panel chairs and others participating in the hearing process, who are not on summer contracts, are negatively affected by the calendar day approach. A motion was passed to carve out an exception in 407.1.2 to use “working days for nine-month employees” as the basis for reckoning of grievance deadlines. Helga accepted the assignment to wordsmith the exception for the proposed code amendment.
  
- Helga Van Miegroet recommended that the AFT committee examine an apparent contradiction in sections 405.6.5 and 405.7.1(2) with respect to the ombudsperson’s duty to identify, intervene, and report irregularities in TAC meetings. The committee also discussed the possible impact of the ombudsperson’s refusal to sign a TAC recommendation letter. Lynn Jemison-Keisker and Scott Budge accepted the assignment to examine this issue for the AFT committee and to recommend possible amendments to these sections that would answer two questions: (1) what happens when an ombudsperson refuses to sign the TAC letter?; and (2) how does the ombudsperson report irregularities to administration?
  
- Craig Petersen introduced several discussion points related to the grievance process. First, he asked the committee to consider whether the obligation of USU employees to participate in grievance proceedings (407.6.6(2)) is enforceable. The general view of the committee was that this “obligation” is probably not enforceable. Craig also asked the committee to consider whether code section 407.6.5 should be amended to address the permissible role of an advisor/attorney at the pre-hearing conference (the paragraph is currently silent on this issue). The view of the committee was that this paragraph needed to be clarified, and Craig accepted the assignment to recommend the wording. Finally, Craig asked the committee to address whether a hearing panel can issue a default judgment. The general view of the committee was that default judgments should not be permitted – that the hearing must be held regardless with the willing participants and the available evidence. Craig accepted the assignment to develop a proposed amendment to address this issue in the policy manual.

### **AFT Committee Meeting, January 30, 2012**

As a follow-up to the December 1<sup>st</sup> meeting, the AFT committee reviewed proposed wording for the following proposed amendments.

- Helga Van Miegroet presented suggested wording to replace calendar days with working days in 407.1.2. After a brief discussion and a wording adjustment, a motion was made to define “day” in 407 proceedings as a working day within the faculty contract period for Fall and Spring semesters, excluding Saturday, Sunday, and university holidays. This motion passed.
- Scott Budge presented wording to address a conflict in the code found in 405.6.5 with respect to required response of the ombudsperson and department heads when a process violation is observed by the ombudsperson. Discussion centered on the documentation required by the department head when the ombudsperson reports unresolved issues. A motion was made to propose a code amendment that requires: (1) the committee chair to immediately resolve process violations observed by the ombudsperson; (2) the ombudsperson to report unresolved irregularities to the department head; and (3) the committee report to document the violations and corrective actions. This motion passed.
- Craig Petersen presented a proposal to amend 407.6.5 define the role of advisors/attorneys in the grievance pre-hearing as being advisory only (they are not permitted to argue the case). A motion was made to approve this proposed amendment. This motion passed.
- Craig Petersen also presented a proposed addition to 407.6.6(2) to address the issue of unwilling or non-cooperating parties in a grievance. A motion was made to accept his proposed amendment requiring that, in the case of non-cooperating parties, the hearing panel must proceed with a hearing that involves the willing participants and the available evidence. The panel is precluded from issuing a letter to the president without first holding the grievance hearing. This motion passed.

## ISSUES

The 2011-21 AFT Committee has developed recommendations for several amendments to the Policy Manual. These proposed amendments stemmed from issues identified from several grievance hearings conducted over the past two years. The issues and code sections under review, as well their current status, are listed below.

- A recommendation that 405.7.1(3) be amended to include language requiring the candidate to be informed in writing whether, in the opinion of the department head or supervisor, the candidate’s progress is satisfactory or whether and what improvements might be needed. **Status: Submitted to Faculty Senate Executive Committee (FSEC).**
- A recommendation that 407.7.2 be amended to clarify the reasons for non-renewal and to require that the faculty member receive a written record of the reasons for non-renewal. **Status: Submitted to FSEC.**
- A recommendation that 405.7.2(1) be amended to increase the initial solicitation of external reviewers to six letters, at least half from the candidate list (the required minimum number of returned letters in the binder remains at four). If fewer than four letters are returned, additional reviewers will be solicited, at least half coming from the from the candidate list. Also, wording was inserted stating that potential reviewers shall

not be excluded from consideration solely because they have professional contact with the candidate. **Status: Submitted to FSEC.**

- A recommendation that 405.7.2(2-4) be amended to clarify the responsibilities and timing for delivering copies of the respective evaluation letters to the candidate. This motion also included a proposed amendment to 405.7.2(5) to include a paragraph stating that the Provost shall notify the candidate of the convening of the central committee and that the Provost will accept a written statement of supplementary information the candidate might wish to have reviewed (2 pages maximum). **Status: Submitted to FSEC.**
- A recommendation that section 405.12.2 [standard for quinquennial review] be amended to change the phrase “the basic standard for appraisal” to the “the only standard for appraisal.” **Status: Submitted to FSEC.**
- A recommendation to amend 407.6.5 to insert a statement that compliance with pre-hearing procedures is an obligation of employment. This statement would be parallel to a similar statement with respect to obligations of USU employees to comply with the actual hearing procedures. **Status: Submitted to FSEC.**
- A recommendation to amend 407.6.6(8) because of an apparent conflict in the hearing panel’s reporting requirements under the code. The first sentence in this paragraph states that the hearing panel will “determine only whether the grievance is valid or not valid.” Yet, this paragraph later refers to a written report and recommendation. The committee felt that the hearing panel should retain the prerogative to provide recommendations to the president that would address important issues raised in the grievance process. A motion was made to remove the word “only” from the first sentence and to retain the word “recommendation.” **Status: Submitted to FSEC.**
- A recommendation that working days be used in place of calendar days in computing the various deadlines governing the timing of grievance hearing events (407.1.2). The reasons supporting this recommendation are that (1) grievants are given unrealistic expectations about the timeline of the grievance process; and (2) panel chairs and others participating in the hearing process, who are not on summer contracts, are negatively affected by the calendar day approach. **Status: Submitted to FSEC.**
- A recommendation that the AFT committee examine an apparent contradiction in sections 405.6.5 and 405.7.1(2) with respect to the ombudsperson’s duty to identify, intervene, and report irregularities in TAC meetings. The AFT Committee passed a motion to propose a code amendment that requiring the committee chair to immediately resolve process violations observed by the ombudsperson. Also, the ombudsperson must report unresolved irregularities to the department head. Finally, the committee report must document the violations and corrective actions. This motion passed. **Status: Submitted to FSEC.**
- A recommendation that code section 407.6.5 be amended to address the permissible role of an advisor/attorney at the pre-hearing conference. The proposed amendment would permit the presence of an advisor or attorney, but only in an advisory role. **Status: Submitted to FSEC.**

- A recommendation that the AFT address the permissible actions of a hearing panel when some parties to the grievance do not cooperate with the panel. The proposed wording insertion to 407.6.6(2) would require the hearing panel to proceed with a hearing, even if one or more parties is unwilling to participate in the hearing or provide evidence. Also, the hearing panel is precluded from issuing a report to the president without a hearing  
**Status: Submitted to FSEC.**

## **RECOMMENDATIONS OR ACTIONS NEEDED BEFORE WORK CAN CONTINUE**

None.

## **SUPPORTING MATERIALS**

Minutes, AFT Committee Meeting, October 13, 2011  
Minutes, AFT Committee Meeting, November 10, 2011  
Minutes, AFT Committee Meeting, December 1, 2011  
Minutes, AFT Committee Meeting, January 30, 2012

**Utah State University**  
**Academic Freedom and Tenure Committee (AFT)**  
**Minutes – October 13, 2011**

In attendance: Scott Budge, James Barnhill, Maria Spicer-Escalante, Britt Fagerheim, Sandi Gillam, Richard Jenson, Lynn Jemison Keisker, Anthony Lott, Craig Petersen, Mark Riffe, Aaron Roggia, Helga Van Miegroet, Vincent Wickwar (invited guest representing Faculty Senate Executive Committee).

- The meeting was called to order at 3:05 PM by AFT Chair Richard Jenson
- Minutes for the Feb 22<sup>nd</sup> AFT Committee meeting were read and approved.
- Richard Jenson reported that two grievance hearings had been concluded since the AFT committee last met and thanked those who had participated on the panels. No grievances are currently in progress.
- The remainder of the meeting was used to discuss and approve several proposals for amendments to the faculty code that had been carried over from the previous academic year. These proceeded as follows:
  - It was moved that the AFT forward a recommendation to the Faculty Senate Executive Committee that 405.7.1(3) be amended to include language requiring the candidate to be informed in writing whether, in the opinion of the department head or supervisor, the candidate's progress is satisfactory or whether and what improvements might be needed. This motion passed.
  - It was moved that the AFT forward a recommendation to the Faculty Senate Executive Committee that 407.7.2 be amended to clarify the reasons for non-renewal and to require that the faculty member receive a written record of the reasons for non-renewal. This motion passed.
  - It was moved that the AFT forward a recommendation to the Faculty Senate Executive Committee that 405.7.2(1) be amended to increase the initial solicitation of external reviewers to six letters, at least half from the candidate list (the required minimum number of returned letters in the binder remains at four). If fewer than four letters are returned, additional reviewers will be solicited, at least half coming from the from the candidate list. Also, wording was inserted stating that potential reviewers shall not be excluded from consideration solely because they have professional contact with the candidate. This motion passed.
  - It was moved that the AFT forward a recommendation to the Faculty Senate Executive Committee that 405.7.2(2-4) be amended to clarify the responsibilities and timing for delivering copies of the respective evaluation letters to the candidate. This motion also included a proposed amendment to 405.7.2(5) to include a paragraph stating that the Provost shall notify the candidate of the convening of the central committee and that the Provost will accept a written statement of supplementary information the candidate might wish to have reviewed (2 pages maximum). This motion passed.
- The meeting was adjourned at 4:35 PM.

Respectfully submitted by Richard Jenson.

**Utah State University**  
**Academic Freedom and Tenure Committee (AFT)**  
**Minutes – November 10, 2011**

In attendance: Scott Budge, James Barnhill, Maria Spicer-Escalante, Britt Fagerheim, Bryce Fifield, Richard Jenson, Anthony Lott, Craig Petersen, Mark Riffe, Aaron Roggia, and Helga Van Miegroet.

- The meeting was called to order at 3:00 PM by AFT Chair Richard Jenson
- Minutes for the October 13, 2011 AFT Committee meeting were read and approved.
- The committee revisited the proposal approved during the October 13<sup>th</sup> meeting with respect to increasing the initial solicitation of external review letters from four letters to six [405.7.2(1)]. Those raising concerns about the change cited the additional effort on the part of department heads and reviewers to request, and for reviewers to write the additional letters. It was also argued that requiring six letters may not be necessary because many department heads are likely to obtain commitments from reviewers in advance. Arguments in favor of six letters included: (1) would possibly lessen the impact of one negative letter; (2) reduce concerns about meeting tenure and promotion deadlines; and (3) many department heads are already requesting more than four letters. After this discussion no motion was made to amend, and therefore the previously approved recommendation will stand.
- David Peak, a former member of the AFT committee recommended in a memo to the AFT Committee that the following two amendments be made to section 405 with respect to quinquennial reviews:
  - A proposal that section 405.12.2 [standard for quinquennial review] be amended to change the phrase “the **basic** standard for appraisal” to the “the **only** standard for appraisal.” Arguments for this proposed change raised concerns that the word “basic” could be interpreted as a minimum standard. There were a few members that felt that the word “basic” should just be dropped from the phrase, but most AFT members felt that the word “only” would make the wording stronger and a motion was passed to recommend this change.
  - A proposal to amend 405.12.2 to insert the word “in-depth” so that it would read “This **in-depth** evaluation of tenured faculty ....David noted that this word had recently been removed from the code and expressed the opinion that faculty undergoing a fifth year review deserved an “in-depth” review. While the AFT committee agreed with this sentiment, it also felt that the existing code already provided adequate guidance about what is to be included in the review. There was no motion to approve this recommendation.
- David Peak also made two recommendations to amend the following paragraphs in 407.6 with respect to grievances:
  - A proposal to amend 407.6.5 to insert a statement that compliance with pre-hearing procedures is an obligation of employment. This statement would be parallel to a similar statement with respect to obligations of USU employees to comply with in the actual hearing. A motion to approve this proposal passed.
  - A proposal to amend 407.6.6(8) because of an apparent conflict in the hearing panel’s reporting requirements under the code. As David Peak notes, the first sentence in this paragraph states that the hearing panel will “determine **only** whether the grievance is valid or not valid.” Yet, this paragraph later refers to a written report and **recommendation**. The AFT committee agreed that this amounted to a conflict. The committee felt that the hearing panel should retain the prerogative to provide recommendations to the president that would address important issues raised in the grievance process. A motion was made to remove the word “only” from the first sentence and to retain the word “recommendation.” This motion passed.
- Craig Petersen raised concern about a grievance process convened during 2010-11 in which the hearing panel issued a “default judgment” for the grievant before a hearing could be scheduled.

Scott Budge, who had served on this panel, explained that most of the respondents had stopped cooperating with the panel, and that this prevented the panel from proceeding to the hearing stage. Craig was given the assignment to identify and propose methods and procedures for handling similar cases in the future.

- Helga Van Miegroet introduced a discussion point regarding the use of calendar days in computing the various deadlines governing the timing of grievance hearing events. She expressed concern about the impact of a faculty code amendment that changed the computing of days from a basis of working days to the current basis of calendar days. Although the original intent of this amendment was to expedite the grievance hearing process, Helga presented an example timeline showing that a grievance filed after a January 15<sup>th</sup> termination notice would still not reach the hearing stage until the Fall semester of the following year. She felt that the calendar year reckoning of days could lead to unrealistic expectation on the part of a grievant that a hearing could be concluded by the end of Spring semester. In addition, Helga raised concerns that panel chairs and others participating in the hearing process, who are not on summer contracts, would be negatively affected by the current calendaring basis. The preliminary response from the AFT committee was that a calendaring solution should be developed that makes the hearing process as expeditious as possible, minimizes the burden on hearing participants, and is realistic in its timeframe. This issue was tabled for the lack of time, but with the intention that discussion continue at the next meeting.
- The next meeting of the AFT will be on December 1<sup>st</sup> from 3:00-4:30 PM in BUS 509.
- The meeting was adjourned at 4:45 PM.

Respectfully submitted by Richard Jenson.

**Utah State University**  
**Academic Freedom and Tenure Committee (AFT)**  
**Minutes – December 1, 2011**

In attendance: Scott Budge, James Barnhill, Bryce Fifield, Richard Jenson, Lynn Jemison Keisker, Anthony Lott, Craig Petersen, Mark Riffe, Aaron Roggia, and Helga Van Miegroet, Ralph Whitesides.

- The meeting was called to order at 3:00 PM by AFT Chair Richard Jenson
- Minutes for the November 10, 2011 AFT Committee meeting were read and approved.
- The AFT committee continued a discussion tabled at the November 10<sup>th</sup> regarding Helga's recommendation that working days be used in place of calendar days in computing the various deadlines governing the timing of grievance hearing events (407.1.2). The reasons for her recommendation are that (1) grievants are given unrealistic expectations about the timeline of the grievance process; and (2) panel chairs and others participating in the hearing process, who are not on summer contracts, are negatively affected by the calendar day approach. A motion was passed to carve out an exception in 407.1.2 to use "working days for nine-month employees" as the basis for reckoning of grievance deadlines. Helga accepted the assignment to wordsmith the exception for the proposed code amendment.
- Helga Van Miegroet recommended that the AFT committee examine an apparent contradiction in sections 405.6.5 and 405.7.1(2) with respect to the ombudsperson's duty to identify, intervene, and report irregularities in TAC meetings. The committee also discussed the possible impact of the ombudsperson's refusal to sign a TAC recommendation letter. Lynn Jemison-Keisker and Scott Budge accepted the assignment to examine this issue for the AFT committee and to recommend possible amendments to these sections that would answer two questions: (1) what happens when an ombudsperson refuses to sign the TAC letter?; and (2) how does the ombudsperson report irregularities to administration?
- Craig Petersen introduced several discussion points related to the grievance process. First, he asked the committee to consider whether the obligation of USU employees to participate in grievance proceedings (407.6.6(2)) is enforceable. The general view of the committee was that this "obligation" is probably not enforceable. Craig also asked the committee to consider whether code section 407.6.5 should be amended to address the permissible role of an advisor/attorney at the pre-hearing conference (the paragraph is currently silent on this issue). The view of the committee was that this paragraph needed to be clarified, and Craig accepted the assignment to recommend the wording. Finally, Craig asked the committee to address whether a hearing panel can issue a default judgment, and if so, what circumstances would justify it. The general view of the committee was that default judgments should not be permitted – that the hearing must be held with the willing participants and the available evidence. Craig will develop a recommendation to address this issue.
- The meeting was adjourned at 4:35 PM.

Respectfully submitted by Richard Jenson.



**Utah State University**  
**Academic Freedom and Tenure Committee (AFT)**  
**Minutes – January 30, 2012**

In attendance: Scott Budge, James Barnhill, Britt Fagerheim, Richard Jenson, Lynn Jemison Keisker, Craig Petersen, Mark Riffe, Aaron Roggia, and Helga Van Miegroet, Ralph Whitesides.

- The meeting was called to order at 3:00 PM by AFT Chair Richard Jenson
- Minutes for the December 1, 2011 AFT Committee meeting were read and approved.
- Helga presented suggested wording to replace calendar days with working days in 407.1.2. After a brief discussion and a wording adjustment, a motion was made to define “day” in 407 proceedings as a working day within the faculty contract period for Fall and Spring semesters, excluding Saturday, Sunday, and university holidays. This motion passed.
- Scott presented suggested wording to address a conflict in the code found in 405.6.5 with respect to required response of the ombudsperson and department heads when a process violation is observed by the ombudsperson. Discussion centered on the documentation required by the department head when the ombudsperson reports unresolved issues. A motion was made to propose a code amendment that requires: (1) the committee chair to immediately resolve process violations observed by the ombudsperson; (2) the ombudsperson to report unresolved irregularities to the department head; and (3) the committee report to document the violations and corrective actions. This motion passed.
- Craig presented a proposal to amend 407.6.5 define the role of advisors/attorneys in the grievance pre-hearing as being advisory only (they are not permitted to argue the case). A motion was made to approve this proposed amendment. This motion passed.
- Craig also presented a proposed addition to 407.6.6(2) to address the issue of unwilling or non-cooperating parties. A motion was made to accept this proposed amendment requiring that, in the case of non-cooperating parties, the hearing panel must proceed with a hearing that involves the willing participants and the available evidence. The panel is precluded from issuing a letter to the president without first holding the grievance hearing. This motion passed.
- Richard advised the AFT Committee that he was preparing the annual AFT report to the Faculty Senate and asked the committee to review the updated draft and provide input.
- The meeting was adjourned at 4:15 PM.

Respectfully submitted by Richard Jenson.

## **Report from the Educational Policies Committee February 9, 2012**

The Educational Policies Committee met on February 2, 2012. The agenda and minutes of the meeting are posted on the Educational Policies Committee web page<sup>1</sup> and are available for review by the members of the Faculty Senate and other interested parties.

During the February 2 meeting of the Educational Policies Committee, the following discussions were held and key actions were taken.

1. Approval of the report from the Curriculum Subcommittee meeting of February 2, 2012 which included the following notable actions:
  - The Curriculum Subcommittee approved 32 requests for course actions.
2. Approval of the report from the Academic Standards Subcommittee meeting of January 13, 2012 which included the following actions:
  - A motion for language in the General Catalog regarding the awarding of an Associate's Degree after a Bachelor's Degree was approved. The catalog language will be:

*Students who have already received a bachelor's degree may not later apply for or receive an Associate of Science or an Associate of Arts degree.*

*Students who have already received an Association of Science (AS) degree, Associate of Arts (AA) degree, or a bachelor's degree may later apply for an Associate of Applied Science Degree. Applicants must file an application with the Admissions Office and obtain the recommendation of their academic dean prior to being admitted. This AAS degree is only available to those on whom the previous degree was conferred by a regionally-accredited institution. Students must complete all of the degree requirements not covered or satisfied by previous degrees. In addition, students must complete a minimum of 15 USU credits beyond those applied toward the previous degree. USU credits must be earned in courses completed at USU's Logan campus or other designated centers, or through classes offered by Regional Campuses and Distance Education through USU.*

- A motion to revise language in the General Catalog regarding "F" grades and student class participation was approved. The language will be:

*To comply with Federal regulations the University needs to do a better job of tracking student participation in classes. The two paragraphs below should be inserted into the electronic catalog to help the Financial Aid office easily identify registered students who never participated. It is hoped that information can be pulled*

*from Canvas to help with the last day of participation for all graded students to also assist with compliance.*

*Two grading options are available for instructors when posting grades for students who are to receive an F grade for a course. Students who attended or participated in a course at least one time will be given the traditional F grade, and the instructor is responsible for reporting the last day of attendance or participation. The grade of NF (Non Participation) is given when a student's name appears on a final grade report, but there is no record of attendance or other evidence of participation in the course. The NF grade is treated as an F grad in calculating grade point averages.*

*Participation includes most documented forms of academic activity: attendance in class or labs, graded quizzes, tests, assignments, and participation in online discussions. However, simply logging into a system like Canvas does not constitute participation.*

3. There were no action items to report from the General Education Subcommittee.
4. Other EPC Business:
  - A request from the Office of the Executive Vice President and Provost to establish a university wide STE<sup>2</sup>M Center was approved.

1. <http://www.usu.edu/fsenate/epc/archives/index.html>

## **327.5 RETENTION OF AUTHOR'S COPYRIGHT TO SCHOLARLY ARTICLES AND DEPOSIT IN THE UNIVERSITY'S OPEN ACCESS REPOSITORY**

### **5.1 Introduction**

The purpose of this policy is two-fold. It protects the faculty members' rights by encouraging the retention of copyright to scholarly articles, and it facilitates access to the University's scholarly output through depositing scholarly articles in the University's open access repository. For purposes of this policy scholarly articles refer to articles published in peer-reviewed scholarly journals. Popular writings, commissioned articles, fiction and poetry, as well as instructional materials, such as textbooks, courseware, tests and lecture notes are exclusive of this policy.

### **5.2 Policy**

In harmony with the University's mission of serving the public through learning, discovery, and engagement, faculty members are committed to the widest dissemination of their scholarly articles, including using new technologies to facilitate the open sharing of their scholarly articles.

#### **(1) Author's Rights**

The University recognizes the importance of copyright and urges faculty members to retain rights to their own scholarly articles. Therefore, if a publisher's standard contract requires the transfer of copyright and/or does not allow deposit in the University's open access repository, the University expects faculty authors to negotiate the terms of the publisher's contract by attaching an addendum to the contract asserting the author's right to retain the copyright and/or the right to deposit the published version or pre-print version of the scholarly article in the University's open access repository. Should a publisher insist on the transfer of copyright as a condition of publication or refuse to permit the deposition of the published version or pre-print version of the scholarly article in the University's open access repository, it is at the faculty author's discretion whether or not to continue with the publication, which will invoke an automatic waiver to this policy (see 5.2(2)).

#### **(2) Deposit in the University's Open Access Repository**

Each faculty member grants permission to the University to post in the University's open access repository all of his or her scholarly, peer-reviewed journal articles published while employed by the University. In legal terms each faculty member grants to the University a nonexclusive license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, provided that the articles are not sold for profit, and to authorize others to do the same. This license in no way interferes with the rights of a faculty author as the copyright holder of the work but instead promotes a wide distribution and increased impact of the author's work. If a faculty author's attempt to retain full rights is unsuccessful, the

author may proceed with publication, thereby invoking an automatic waiver for that particular article. While it is not necessary in these situations to formally request a waiver, it is recommended that the author send the bibliographic citation to the Library, alerting librarians that a waiver is being invoked and that the publication may not be posted in the University's open access repository.

### **5.3 Procedures**

#### **(1) Author's Rights**

Upon receipt of a contract to publish an article in a peer-reviewed journal, a faculty author will examine the contract to determine if copyright is transferred to the publisher and/or if deposit in the University's open access repository is allowed. If the contract stipulates that copyright is retained by the author, or the copyright is transferred to the publisher but deposit in the University's open access repository is allowed, only section 5.3(3) below will pertain. Librarians can assist authors in all of the steps in this process.

If deposit is not allowed, the author will attach an addendum to the copyright agreement asserting the faculty member's right to retain the copyright and/or the right to deposit the published version or pre-print version of the of the scholarly article in the University's open access repository. The addendum to the copyright agreement (5.3(2)) will be provided to the author by the USU Libraries.

If the publisher rejects the addendum, or for any other reason, the author may choose to sign the contract, thereby invoking an automatic waiver of policy 327.5.

In this instance, the author should convey the bibliographic citation to the Library alerting them that a waiver is being invoked and that the publication may not be posted in the University's open access repository.

#### **(2) The copyright agreement addendum stipulates the following:**

- (a) It retains for the author the non-exclusive right to create derivative works from the article and to reproduce, to distribute, to publicly perform, and to publicly display the article in connection with the author's teaching, conference presentations, lectures, other scholarly works, and professional activities
- (b) It retains for the author the non-exclusive right to distribute copies of any version of the article, including but not limited to the published version, by means of any web server from which members of the general public can download copies without charge, provided that the author cites the journal in which the article has been published as the source of first publication, when applicable, and

- (c) It requires the publisher to acknowledge that the author's assignment of copyright or the author's grant of exclusive rights in the publication agreement is subject to the author's prior grant of a non-exclusive copyright license to the University (5.2(2)).

### (3) Deposit in the University's Open Access Repository

In cases where a faculty author has been successful in retaining author rights, upon publication the author will provide an electronic copy of the best available version of the published article (as determined by the contract and in the specified format) to the University's open access repository. If required by the publisher, or upon request of the author, the University's open access repository can delay access to an article for a specified period of time.

## **5.4 Responsibilities**

This policy will be administered on behalf of the Office of the Provost by the Library.

# USU Open Access

## **Quick Guide for Complying with Policy 327.5, *Retention of author's copyright to scholarly articles and deposit in the university's open access repository***

Policy 327.5 is a mechanism that asserts your right to provide broad, free access to your peer-reviewed journal publications to colleagues, scholars, and the general public around the world.

Under the policy, you exercise these rights through two steps:

- (1) negotiate the appropriate copyright conditions for the publication, and
- (2) provide USU with a digital copy of the publication.

USU then provides efficient access to these publications and increased online visibility via [DigitalCommons@USU.edu](mailto:DigitalCommons@USU.edu). This online visibility offers significant improvement in access and citation. In addition, you receive monthly reports on the numbers of full-text downloads of your articles.

You select the most appropriate journal for your manuscript based on whatever consideration is most important to you. Once the article is accepted and the publisher sends the copyright transfer form, you take two simple steps, described below.

**IF YOU ENCOUNTER ANY PROBLEMS** with this process, step-by-step personal assistance is available from Scholarly Communications Librarian, [Andrew Wesolek](mailto:Andrew.Wesolek@usu.edu), ([Andrew.Wesolek@usu.edu](mailto:Andrew.Wesolek@usu.edu)), (435) 797-2650.

### **STEP 1: The Copyright Agreement**

Copyright agreements take many forms, ranging from a simple permission to publish your intellectual property to a full transfer of copyright to the publisher. Specific details of a particular journal's policies determine the course of events in each situation. These policies can best be understood by consulting the publisher's website. Please contact the Scholarly Communication Librarian for assistance. The simplest way to proceed is to attach the USU-authorized [addendum](#) to the publisher's copyright agreement.

### **STEP 2: Fill out the Addendum (THIS TAKES ABOUT FIVE MINUTES)**

When a journal publisher restricts authors' options for open access, [an addendum](#) protecting the author's rights should be completed. You may modify this addendum if you choose.

- When the publisher's agreement is completed, write "**SUBJECT TO ATTACHED ADDENDUM**" immediately below your signature.
- The signed addendum should be attached to and included with the copyright agreement when it is returned to the journal.
- If you do not hear from the publisher by the date of publication, the addendum clearly states that you retain the rights specified in the addendum.

***Once you've secured your rights (see above), you simply email the paper, its full citation, and any embargo period or publisher requirements to [Andrew Wesolek](mailto:Andrew.Wesolek). Library staff will then post the paper to [DigitalCommons@USU.edu](mailto:DigitalCommons@USU.edu) on your behalf.***

If your paper is already available in an open access repository like PubMed Central, arXive, or the Social Science Research Network, please contact [Andrew Wesolek](mailto:Andrew.Wesolek) for options.

Andrew Wesolek  
Scholarly Communications and Institutional Repository Librarian  
[Andrew.wesolek@usu.edu](mailto:Andrew.wesolek@usu.edu)  
Office: 435.797.2650

## ADDENDUM TO PUBLICATION AGREEMENT

1. THIS ADDENDUM hereby modifies and supplements the attached Publication Agreement concerning the following Article:

\_\_\_\_\_  
(manuscript title)

\_\_\_\_\_  
(journal name)

2. The parties to the Publication Agreement as modified and supplemented by this Addendum are:

\_\_\_\_\_  
(corresponding author)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Individually or, if one than more author, collectively, Author)

\_\_\_\_\_  
(Publisher)

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**Parking  
Paving Project History**

**September 3, 2004**

**Prior to 2005 Average = 189,592  
Range = 111,700 - 365,000**

Year	Project	Cost	
2005	900 East	64,600	
	TOTAL	64,600	
2004	A6 Overlay	80,000	1,400 Paid by Facilities
	A2 Overlay	60,000	
	TOTAL	140,000	
2003	Motorpool South/Public Safety	319,000	38,000 Paid by Parking/Recycling
	Slurry Seal	46,000	
	TOTAL	365,000	
2002	North Shuttle Lots	215,000	18,000 Paid by Housing
	Team Lot	97,000	
	TOTAL	312,000	
2001	ECOB West	77,000	3,000 Paid by UDOT
	Stadium Bus Lanes	19,000	
	Main Campus Slurry	67,000	
	TOTAL	163,000	
2000	Shuttle Acces	67,000	
	Business Building East 900 North	61,000	
	TOTAL	128,000	
1999	Stan Laub to West Stadium	60,000	
	R3 Overlay	63,000	
	TOTAL	123,000	
1998	South Stadium / Terraced Entrance	84,000	
	NFS North (West)	122,500	
	TOTAL	206,500	
1997	North Stadium	260,400	
	TOTAL	260,400	
1996	BNR / ComD	92,300	
	Champ Drive	79,000	
	TOTAL	171,300	
1995	B-East	53,200	
	400 North Economy	62,500	
	A4 ECOB	62,500	
	TOTAL	178,200	
1994	West Stadium - Phase II Overlay	85,800	
	Skaggs Research Dairy	25,900	
	TOTAL	111,700	
1993	West Stadium - Phase I Overlay	116,000	
	TOTAL	116,000	

## **USU Paving Project List**

<b>Year</b>	<b>Project Name(s)</b>	<b>Approx. Total Cost</b>
2006	NFS Parking Lot	\$254,901
2007	Aggie Village Northwest Parking Lot	\$ 94,699
	CPD Parking Lot (South strip next to building)	\$ 25,769
	Motor Pool Driveway and Parking Lot	\$196,579
	Parking Lot Entrance (East of Parking Terrace)	\$ 19,000
2008	900 East Roadway	\$104,552
	CPD Parking Lot (Remainder)	\$205,599
2009	***No paving projects performed this year***	
2010	Aggie Village Roadway and North Parking Lot	\$521,476
	Slurry Seal Projects	\$ 31,953
	<ul style="list-style-type: none"><li>• Performance Hall North Parking Lot</li><li>• Performance Hall West Parking Lot</li><li>• Aggie Village Southeast Parking Lot</li><li>• Aggie Village Southwest Parking Lot</li></ul>	
2011	Student Living Center West Parking Lot	\$393,507
	<b>TOTAL:</b>	<b>\$1,848,035</b>

**FINANCIAL PLAN FOR  
LOT RECONSTRUCTION  
7 YEAR PLAN**

	Estimates	2012	2013	2014	2015	2016	2017	2018
RED	100,000	100,000						
BLACK	300,000		300,000					
BLUE PREMIUM	450,000			450,000				
SPECTRUM LOTS	500,000				500,000			
GRAY 2	400,000					400,000		
STADIUM EAST	400,000						400,000	
TERRACED LOTS	<u>500,000</u>							500,000
<b>TOTAL COST</b>	<b>2,650,000</b>							

**CRACK SEAL**

BNFS (1)	2,500	2,500						
Blue Premium (2)	2,500	2,500						
Spectrum (3)	2,500		2,500					
Stadium (Finish west side and start on east side) (4)	4,000			4,000				
Blue East (5)	3,000				3,000			
SLC East (6)	1,500					1,500		
Snow Hall (East and West) (7)	2,500						2,500	
Public Safety (8)	<u>1,500</u>							1,500
<b>TOTAL COST</b>	<b>20,000</b>							

**SLURRY SEAL**

Blue ECOB (1)	10,000	10,000						
CPD (2)	15,000		15,000					
Purple (3)	<u>15,000</u>			15,000				
<b>TOTAL COST</b>	<b>40,000</b>							

**CURB REPAIR**

Aggie Village East 10 <sup>th</sup> North lot	5,000	5,000						
Spectrum	<u>2,000</u>		2,000					
<b>TOTAL COST</b>	<b>7,000</b>							

**Asphalt Repair**

Northeast of Facilities	10,000	10,000						
Blue Premium Entrance	5,000	5,000						
Aggie Village Laundry	<u>10,000</u>	10,000						
<b>TOTAL COST</b>	<b>25,000</b>							

**Total Minor Maintenance** **92,000**

**New Parking Structure**

500 stalls @ \$12,500 per stall - \$6,250,000 - 50k downpayment per year	<b>350,000</b>	50,000	50,000	50,000	50,000	50,000	50,000	50,000
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**GRAND TOTAL** **3,092,000** **195,000** **369,500** **519,000** **553,000** **451,500** **452,500** **553,518**

\*\* this does not include yearly maintenance such as painting and sweeping

**FINANCIAL PLAN FOR  
LOT RECONSTRUCTION  
7 YEAR PLAN**

	Estimates	2012	2013	2014	2015	2016	2017	2018
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<b>Estimated Net Income</b>		300,000	300,000	300,000	300,000	160,000	160,000	160,000
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Rate increase percentages on current permit revenue of \$800,000

4%	32,000	33,280	34,611	35,996	37,435	38,933	40,490
5%	40,000	41,600	43,264	44,995	46,794	48,666	50,613
6%	48,000	49,920	51,917	53,993	56,153	58,399	60,735
7%	56,000	58,240	60,570	62,992	65,512	68,133	70,858
8%	64,000	66,560	69,222	71,991	74,871	77,866	80,980
9%	72,000	74,880	77,875	80,990	84,230	87,599	91,103
10%	80,000	83,200	86,528	89,989	93,589	97,332	101,226

**Parking R&R Fund**

decline with 4%	1,400,000	1,537,000	1,500,780	1,316,391	1,099,387	845,322	591,755	238,727
5%	1,400,000	1,545,000	1,517,100	1,341,364	1,133,359	888,653	644,819	301,914
6%	1,400,000	1,553,000	1,533,420	1,366,337	1,167,330	931,983	697,883	365,100
7%	1,400,000	1,561,000	1,549,740	1,391,310	1,201,302	975,314	750,947	428,286
8%	1,400,000	1,569,000	1,566,060	1,416,282	1,235,274	1,018,645	804,010	491,473
9%	1,400,000	1,577,000	1,582,380	1,441,255	1,269,245	1,061,975	857,074	554,659
10%	1,400,000	1,585,000	1,598,700	1,466,228	1,303,217	1,105,306	910,138	617,846

\* 2012 estimated R&R fund amount \$1,4000,000

2019 payment

New Parking Structure

30 year Amortization

\$5,900,000	280,000
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